

11


Fish

classon M 874

Sate

F 11

mq17870
pamph1



Digitized by the Internet Archive
in 2010 with funding from

The Institute of Museum and Library Services through an Indiana State Library LSTA Grant



8



ABRAHAM LINCOLN,

IN THE

LATEST BIOGRAPHY.



The division of mankind into independent communities is among the greatest advantages which fall to the lot of man. There are some peculiarities in the condition of every civilized country specially favorable to some talents or good qualities. To destroy the independence of a people is to annihilate a great assemblage of intellectual and moral qualities, forming the character of a nation, and distinguishing it from other communities, which no human skill can bring together. Though better forms may be imposed by a conqueror, there is no farther hope of those only valuable reformatations which represent the sentiments and issue from the hearts of a people.—*Mackintosh, Partition of Poland.*

When the conditions exist for the formation of efficient and durable Federal Unions, the multiplication of such is always a benefit to mankind. It has the same salutary effect as any other extension of co-operation, through which the weak, by uniting, can meet on equal terms with the strong.—*Mill, Representative Government.*

The Constitution embodies all that is good in monarchy, in oligarchy, and in democracy, and eliminates all that is bad in each.—*Pinckney, to the Ratifying Convention of South Carolina.*

ABRAHAM LINCOLN,

IN THE LATEST BIOGRAPHY.

A biography of Abraham Lincoln, just to him and to others, can only be written after his own and a succeeding generation have passed away. But a biography is now welcome, written by personal friends, intimate associates, and zealous partisans, that his conceptions of a Federal Union, constitutional morality, and permissible political action be learned from his private as well as from his public utterances. Biography exhibits the action of Fate and of Free Will in an individual, for all are, to some extent, the subjects of Fate, and, to some extent, masters of themselves. Parentage, place of birth, education, and the associations of youth must largely influence life; therefore Posterity measures praise or blame to historical characters, not by the ideas of its age, but by the spirit of theirs, adjusting personal responsibility by that, and discriminating between the character of an act and the character of an actor. Religious persecution, now indefensible, was once held not merely justifiable, but meritorious. To our ancestors the right or wrong of persecution was not the question for reason to answer, but which faction of a belief should persecute. It is not pleasant to read that More had some heretics whipped, but, as by law, and in opinion, they might justly have been hanged or burned, his clemency is apparent. "You must admit, cousin," said Catherine de Medicis to Louis de Bourbon, "that in a kingdom there can be but one religion"; to be answered, "I do, madame, if that religion is mine." Upon a then accepted, if since disproved, political necessity, all

agreed. Neither Huguenot nor Catholic believed in liberty, or even in toleration, or would be satisfied with less than supremacy for himself and exclusion for another. Whatever one did, the other, under similar opportunity, might have done. With a universal belief in a personal Devil, in his manifestation to mortals, in his gift of the power of injury upon condition of worship, in the compliance with the condition, and in the exercise of the power by his worshippers, Witchcraft was, by reasonable conclusion, a crime of the deepest dye, apostasy in religion, and malice in law. The men of Salem, who hanged as witches a number of old women and a minister of the church, were, in other respects, as intelligent, honest, and humane as their descendants. Winthrop, of rare ability and nobility of nature, was not free from the delusion. The political blunders of the French Revolution are now recognized as due to a popular belief that through a new form of despotism the law of Procrustes could be substituted for the law of nature. Englishmen no longer, with Pope, speak of Cromwell as "damned to everlasting fame"; nor with Swift, of Charles as the Martyr. They now see that, from circumstances beyond the control of Charles or his subjects, in which they had neither art nor part, the relation of the King to the kingdom had to be changed, and that if the change which resulted has proven auspicious, men of that era are not to be censured, much less stigmatized, for inability to foresee the future. A great Englishman of this century has written: "The imprudence and obstinacy which broke the ties of the Colonies with the mother country were followed by just retribution"; but to a greater Englishman of the last century the imprudence and obstinacy were on a different side of the Atlantic. As the judgments of former generations have been reversed by Posterity, the judgment of this may in the future be reversed. Posterity, for affirmance or reversal, may not have an iota of material not now and long possessed, but it will have the impartiality of unconcern. Had

this biography been written with more of the charity which distinguished its subject, and not characterized men who differed from him radically upon the basis of a Union, constitutional morality, and political honesty, as wanting in humanity and loyalty, it would not have compelled an examination of the validity of its epithets, nor the plain tale which disposes of them. The delegates to the Federal Convention were commissioned for one object, and were not authorized to consider any subject except in its bearings upon that object. Their commissions, which specify it, a federal constitution for a federal union of States, are extant, public literature. Many, as Stuart Mill and Dr. Arnold, apparently assume that the Convention had the whole field of political science and the whole range of ethics at its disposal, and missed a great opportunity. It made no such mistake, but applied so much of political science, with its delicate adjustments of rights between communities, its connection with history, and its dependence upon the laws of mind and matter, as was pertinent to its mission, and no more. With the abstract it had no business. Its function was to calculate the possibilities for a union between States, differing in extent, wealth, population, social systems, habits of thought, and modes of life, alike only in being inhabited by men fiercely jealous of liberty, to whom liberty was not an abstraction, but a quality of something they possessed. One set of identical interests existed in each State—the international subjects of sovereignty. Those they could safely and profitably confide to a Union, and delegate to it the power over them, which otherwise they would have exercised as separate nations. Upon other subjects interests and opinions in the several States were not only different, but, in some respects, antagonistic. Upon those a union could neither have been advisable nor was possible. The reason for a division of powers was then, as it is now, obvious. Under the existing systems of the States suffrage was the motor; therefore in a Union suffrage would be the motor. Upon

international subjects each State would have to bear a share of risks and consequences; and upon them its suffrage would be prudent from self-interest. On other subjects risks and consequences might be partial; upon those suffrage would not only fail to feel the prudential restraint of self-interest, but might seek to gratify the instinct of domination. With such possibilities and probabilities present to the minds of all, debate in the Convention showed that a Union, with legislative powers over all subjects, or a Union, with the excessive limitations of the Articles of Confederation, could not be accepted by the Convention, because neither, to its belief, would be accepted by the States. Each extreme had its advocates—strong enough to prevent, not strong enough to prevail; for there was a moderating element which, by alternate shifting of its weight, accomplished the defeat of both. Consequently, by a compromise, excluding what had been the special objection of either to the theory of the other, the terms for a Union were settled, and a Constitution, embodying that and other compromises of interest and opinion, was completed and submitted to the people of each State represented in a convention, to become a fundamental law for all the States, if all ratified it; and, if all did not, for any nine which did. Nine ratified, and a new Union between them, thus withdrawing from the old Union, was established. Two more acceded within a few days, and after a government had been organized under the Constitution and was in operation, the twelfth State acceded within one year, and the thirteenth within two. Ratification even in nine had not been easy. Opposition to it objected that upon two points the Constitution was not sufficiently explicit for the safety of liberty. First, under a Constitution at the same time delegating and limiting power, incidental power, not capable of being detailed, would become necessary to the exercise of a delegated power, and the boundary between power incidental to a delegated power, and a power not delegated might be so indistinct that doubt would be consequent,

in which case the benefit of the doubt ought, by distinct expression, to be given to authority, or to liberty. If, by just inference, as asserted by the advocates of ratification, the benefit of the doubt was secured to liberty, inference was not sufficient, and unmistakeable words should exclude future dispute. Secondly, that the checks in a constitution are not automatic, and some agency for making them effective ought to appear in it, and did not, and must be expressed. Those objections would have prevented the establishment of the Constitution had they not been yielded to the promise of amendments supposed to concede the wisdom and object of their demand, which (the first ten) were, as soon as possible, ingrafted into the Constitution.

The first administration was unavoidably a party administration, as not only the ideals for a Union, which had separated men in the convention, but subsequent ideals of political honesty, kept men separate in a Union. To one ideal, the connecting link between the States was a common government; government in its essence, absoluteness; and political honesty, desire, not bounded by bargain, for the public welfare. To the other ideal, the connecting link between the States was a compact; the government in its essence, administration of a compact, and political honesty, scrupulous fidelity to the compact. One aimed at the gradual alteration of a system through party action; the other restricted alteration to amendment. Whether the rights of States and of their citizens might be abridged by suffrage, or could only be by law, was the felt, if not avowed, dividing line. The reason for discordance so irreconcilable, arose from the system of the Constitution being an untried experiment in politics. With no precedents, men have to reason from principles. "All existing governments," wrote Mackintosh in 1790, "except that of the United States, have been fortuitously formed. They are not the work of art; they have been altered, impaired, or improved by accidental circumstances beyond the foresight or control of wisdom."

In systems fortuitously formed little is defined, and no provision for definition exists. Alteration can only be effected through innovations by rulers, or revolutions by subjects. In them the essence of government is absoluteness, and the only remedy against bad rulers or bad systems, is the substitution of others by violence. In the work of art, which the system of the United States was supposed to be, everything is defined, or made capable of definition, by an agency of government distinct from the administering agency, and by its law the official can be restrained or its nature can be altered. The basis of political morality in the fortuitous system is the expedient; in the other, the agreed. As the struggle in the United States, from the organization of the government, has been whether it shall become the fortuitous or remain a work of art, every public man—and a voter, as much as a President, is a public man—must, consciously or unconsciously, favor one or the other. Neuter he cannot be. Washington, unanimously elected, unsuccessfully strove to be impartial. That the great Federalist leaders thought human nature incapable of any but a fortuitous system, and that they aimed to make the Federal authority finally absolute by gradual encroachments upon limitation, is beyond dispute. Whether they were not bound to try the experiment upon its nature, as represented by the Federal Convention, and by themselves, its advocates in the ratifying conventions and in their communities, is a question of political honor, on which men are not yet agreed; but that sordid motive did not actuate them is agreed. Their conviction, if a delusion of the imagination, was sincere, that centrifugal would move stronger than centripetal influences; that the sense of the utility of a Union was not a base strong enough for the permanence of the superstructure, and that business interests, the passion of private gain—if not stronger than public spirit, more incessantly active—must buttress the edifice. Their opponents contended that any connection between the business a Union was formed to do, and private

business, which men saw a personal interest in doing, must work injustice and generate corruption—the only centrifugal agencies to be feared; that do as you would be done by was the rule of political as well as of social morality, and that the rights and duties of a citizen, as the subject both of a Union and of a State, were so distinct that inattention to the distinction might be dangerous. Upon one subject both parties agreed: That when, in the course of litigation, the Supreme Court had construed the Constitution, its construction was conclusive, and could only be overridden by an amendment. After defeat, the Federalist party disintegrated rapidly; not from conviction of mistake; no such event is recorded in the history of parties. A political creed is as rarely changed from conviction as a religious creed. Some few of one party may pass to the other from interest, and some from temper—subtraction from one scale and addition to the other, altering the tip of the beam—but the mass is constant, and the descendants of the Federalist, as of the Jeffersonian, have, from heredity, association, and education, generally trod in the footsteps of their ancestors. The defeat and disintegration of the Federalist party was, in some degree, due to the exhibited effects of its policy, in some degree to immigration, and in some degree to the bitter jealousies of its chiefs; but its theory survived, and re-appeared in subsequent parties. The collapse and disappearance of a great party, in power for the first twelve years of the administration of a new system, is an event so unprecedented in parliamentary history that it ought to have arrested the attention of those intelligent foreigners who have studied our political system, and speculated on its effects, especially as the example was followed by another equally great party. No one of them has commented upon the occurrences, or has perceived that, no matter what has at any time been a nominal issue, the real issue has been limitation, and that parties have been organized, one to maintain a rule in its integrity, and others, if not to deny the rule, to

fritter it away by contending for successive exceptions.

It is hard for a man, born in and bred under a system with limitation nowhere, to appreciate political action in a system with intended limitation everywhere, or to realize that purpose, permissible and laudable in an unlimited system, may be usurpation in one limited; where, with all things subjects of speculation and publicity, few are subjects of Federal control, to which none can be legally added by a preponderance of popular opinion. A citizen in the Union has no such obstacles to surmount; he knows, from reading or tradition, that thirteen colonies, politically disconnected in 1770, were politically connected in 1800; that a series of events must have taken place in the thirty years, agreements of some sort among them; that in the language narrating the events and recording the agreements some meaning, understood by all, must have then attached to words, and some principle of composition have regulated their connection. Unless he refuses to reason, he cannot escape the conclusion that to all who claim under an agreement, it must be the measure, not only of rights, but of right and wrong. But, as many professing Christianity see the duty of others only to turn the cheek, so, under a limited government, many see the duty of others only to observe limitation, holding suffrage under it a trust in others and a fee in themselves. Those conceptions in religion and politics have not been conducive to peace in the past, nor are likely to be in the future. Whether they were the conceptions of Mr. Lincoln, this biography has settled beyond doubt, if doubt has existed. "He was of Quaker descent." To the Quaker, as to most sects, liberty of conscience means the right to think for others as well as for themselves, the duty of others not to think for them, and the cull of revelation to suit. Beyond other sectarians, Quakers ignore a great lesson, and fail to distinguish between what is due to God and what to Cæsar. Their private life is so exemplary that Cæsar is indulgent to a claim of individual nullification and tolerant of a theory of anarchy

usually applied to trifles. But a theory is something so restless that the sect which professes a horror of war did more than any other to provoke one. If heredity be effective mentally, Mr. Lincoln must have been born with an unfortunate bias. If heredity be a fanciful hypothesis, and the mind of an infant is a sheet of blank paper, parents, associates, and education write upon it opinions received without question. When manhood arrives, and original reflection and conclusion, if ever, begin, the infused opinions are examined and verified, or continue accepted without verification. In the latter case the stronger the intellect and the bolder the character, the more positive it will be in assertion, and the more subtle it is, the more ingenious will be its casuistry. Upon preconceived opinion the greatest is as fallible as the weakest. To meet an objection accepted as true, though false, Newton opposed an answer equally false; and the greatest lawyer, the most learned scholar, and the most astute genius then in France (that genius Pascal), certified to the miraculous cure of an obstinate fistula by the prick of a thorn, of which the asserted merit was wounding the Saviour. The necessary assumptions of fact without evidence, and of conclusions without connection, were no obstacles to their belief. There has probably never been a religion, certainly not the Christian, which, teaching the responsibility of man, did not assume for him some share of free will; but in that respect inconsistency, with inevitable deduction, is not unexampled in very great men. To *les hommes s'agitent, mais Dieu les mene* of Bossuet must be added the (perhaps temporary) conviction of Mr. Lincoln that men are puppets, moving as an invisible hand pulls the strings. The hesitancy, in 1862, of "I am almost ready to say that this is probably true: That God wills this great contest, and wills that it shall not end yet; by His great power over the minds of the contestants, he could have saved or destroyed the Union without a human contest," had grown to certainty in 1864, when he wrote: "Surely He (God)

-intends some great good to follow this mighty convulsion, which no mortal could make and no mortal could stay." If human beings are the unconscious instruments of a supernatural power, neither to that power will they, nor to their fellow-men should they, be held responsible for submission to it. The test which our religion and the reason of mankind have established for the acceptance of any proposition affecting human relations is, Do as, under similar conditions, you would be done by; from which, self-will, to escape the duty it imposes, can find refuge in the mystical only. Of all who have substituted for that test, a self-constituted test, a misconception of the basis of right, usually attended by bloodshed, Mr. Lincoln was the most consistent in its application and the most free from its corroding effect. Not a trace of hostility can be found in his temper towards those who had either accepted and insisted on the common test, or had substituted, as he, one of their own. Many shared with him a delusion akin to the belief in withcraft; none, as he, drew the logical conclusion, that upon an issue divinely ordered for an inscrutable purpose, opponents are blameless. The genesis of the sectarianism which has hindered the spread and hampered the influence of Christianity is the diversion of the mind from the design of Christianity, to be gathered from the sum of its testimonies, to some text, or texts, accepted as it, exclusive of their connection with and bearing upon others. When Mug-leton, upon "Let us make man in our image," dealt damnation upon all who would not admit that God was exactly six feet high, his inference was legitimate enough, if that sentence of Scripture had been all of it from which a Deity can be conceived. So, in the records which attest the creation of the United States, from the settlement to the contention of the Colonies, from their secession from Great Britain to a Union under the Articles of Confederation, and from that Union to a Union under the Constitution, every word is in harmony with every other word, and the intention of all plain, if

read in connection ; but by isolating a word, or detaching a sentence from its surroundings, and making them the all, Muggleton can be, as he has been, copied, not only in his process of reasoning, but even in his vituperation of dissent. Of the Muggletons of our politics, Mr. Lincoln, neither the earliest nor perhaps the most gifted, was the most fortunate in an audience. At twenty-three he sought office, announcing his political tenets—a national bank, a protective tariff, and internal improvements by the Federal Government. With the limited opportunities stated in the biography for the acquisition of knowledge from books or wide association, his opinions upon those debatable subjects of political science, constitutional history, and political economy, were probably preconceived opinions, for to one so honest, the fact that two of them had been twice pressed upon the Federal Convention for embodiment in the Constitution, and had been twice rejected, must have had great weight. But whether preconceived or matured opinions, was, in one sense, immaterial. The Federal system neither needs nor asks that a voter be well-informed, or sensible, or logical, or disinterested ; it would otherwise be unsuited to the possibilities of human nature. It only asks of men differing upon what are Federal subjects, or what is the extent of Federal authority, to admit and accept an arbiter. The statement of a claim and its submission to as much impartiality as can be attained, with acquiescence in its decision, are not a severe strain upon temper, nor a heavy price for a Union. In a system with universal suffrage the motor, an arbiter makes the distinction between all despotism and some liberties. Mill saw that unless suffrage must meet in a Constitution a complete check against an attempt at unauthorized sway, Democracy is not the ideal best government, and De Maistre, with at least some truth, described an unlimited democracy as an organization of ostracism. Fifty-one ostracise forty-nine, and, by a slight change of opinion, or some other cause, a new fifty-one ostracises a new forty-nine ; two

per cent., probably the more unreasoning or impulsive, possibly the corrupt, determining the course of events; a nominal democracy, a shifting oligarchy, with the defects and without the qualities of an established oligarchy.

Upon some action of the Legislature of Illinois, tending to make that State a slave State, Mr. Lincoln, a member, filed a protest, which averred that "slavery was founded on injustice and impolicy, but that the promulgation of abolition doctrines tended rather to increase than abate its evils." Familiar with *Æsop*, he had learned from the fable of "The Sun, the Wind, and the Traveller," why a cloak is hugged and when thrown off, and perhaps recognized in abolition doctrines an attack upon the federal basis of a Union, as well as upon the principle of local self-government. Had he been as familiar with history, he would have known that slavery was not founded on injustice or impolicy, but was an inevitable result of circumstances, and, as an institution of many nations for many years, had then an utility recognized equally by the owner and the slave.

Men, not angels gradually sinking, but brutes gradually rising, have from all time quarrelled and fought, war being the normal state before they had agreed what justice is, and what policy should be. War originally was extermination, as illustrated in the struggle between white men and red men; then it was mitigated by enslaving those it spared, as illustrated in the Pequot war of Massachusetts. An emancipationist so strenuous as Mill could not help seeing that "personal slavery, by giving a commencement to an industrial life, and enforcing it as the exclusive occupation of the most numerous part of a community, may accelerate the transition to a better freedom than that of fighting and rapine." Under one set of conditions then, slavery might be neither impolitic nor unjust; but, when existing, its continuance, under other conditions, may be both impolitic and unjust. That is a practical question

for reason to decide, as it does all other questions of human relations, by a comparison of advantages and disadvantages. Manumission, the interest of slaves only regarded, might not be a benefit to them; then the time for it is to come; or it might only be a benefit if gradual, or by a partial concurrence of the slaves – subjects again for calculation, not for rhetoric. It might be a greater injury to others than a benefit to slaves; then the motive for it does not preponderate. It might be a greater benefit to slaves than an injury to others; then it ought to be compassed with equity to others. Whose reason is to be satisfied and whose to decide is a preliminary consideration. If the owner has no voice in the decision, or some voice only, he is entitled to equity; if he only has a voice, he must be convinced; coercion of him by others would be a wrong by them to him, greater than slave-holding in him. Emancipation by England, by France, and by various States in the Union, was a legitimate exercise of incontestable authority. Equity might be more or less present, but usurpation was absent. If a man suffered in his purse, he did not also in his pride. From that period to 1854 the career of Mr. Lincoln was not salient, not differing from that of the many able lawyers and aspiring politicians who swarmed in the United States. Afterwards events brought him into prominence, and, upon the remarkable ability he developed, into eminence. Up to 1850 the Missouri Compromise was in force. Upon the refusal by the free States to apply it to the territory acquired from Mexico, another compromise was made, by which the question, “Free or slave State?” was to be answered by the people of a Territory, of which the admission as a State into the Union was not to be prejudiced by its answer. The compromise was accepted by both political parties, and by nineteen-twentieths of the population of the States, as an application of the principle of self-government, precluding future sectional dispute, without the sacrifice of pride by either section. The object was to localize political discussion and action

upon slavery, leaving a community to be affected by it the exclusive judge for itself of its justice or injustice, policy or impolicy. Though at that time there was no Territory to which the Missouri Compromise applied, difference of opinion was possible, and, therefore, probable, whether it had been superseded in intent, in honor, or in law, by the Compromise of 1850. The western section of the Union was eager for the settlement as territories, of land barred from settlement by treaties. The treaties could only be annulled by a two thirds vote of the Senate. The Southern Senators would not consent to aid in annulling the treaties while doubt was possible upon the Compromise applicable to the acquisitions, and, without their consent, the treaties must stand. The repeal of the Missouri Compromise was offered for their consent, and the offer was accepted. The bill was drawn by the West, passed by the Democratic party, and signed by a President from the East. So far as sectional feeling, increase of power, or limitation of the area of slavery were involved, advantage in the bargain was largely with the free States, as, with more than treble the population, four times the wealth, and an immense foreign immigration seeking the West, the Territories, from natural causes, would most probably, when organized as States, be free States. The excitement in the free States which followed upon the possibility of additional slave States under the 1850 compromise was aggravated by the repeal of the other, which proved that the bargain was not understood, nor the equivalent for an equivalent considered. Popular ignorance of a barrier to settlement was doubtless the cause of a misconception in one section, through which each section, supposing the other false to faith, nursed a keen sense of injustice. Douglas, to the last, insisted that public opinion had been forestalled, and that Chase and Sumner, by a falsehood to him, had gained the opportunity of forestalling it. Inquiry whether Mr. Lincoln shared in the misconception is useless, as by that time his mind, lucid and logical upon all other

subjects, had lost grip on reality upon one, seeing for that, human nature as it is not, and inventing a history of the United States.

“The indifference to the spread of slavery, but, I must think, zeal for the spread of slavery, I cannot but hate. I hate it, because it deprives our republican example of its just influence in the world, enables the enemies of free institutions to taunt us as hypocrites, causes the real friends of freedom to doubt our sincerity, and especially because it enforces so many good men among us into open war with the very fundamental principle of civil liberty, criticising the Declaration of Independence, and insisting that there is no right principle of action but self-interest.”

They who understood the duty of a citizen differently from Mr. Lincoln could answer: First. The Declaration of Independence states a conclusion, published long before it was promulgated, that men are created free and equal, with inalienable rights to life, liberty, and the pursuit of happiness; those rights being personal, involving no others, with no safeguard against others, the Declaration proceeds, as men had before reasoned and concluded—to secure those rights, they institute governments. By the institution of a government, the man becomes a citizen, and his rights of nature, subjected to conditions, not alienated, like money put in a partnership, involve all his fellow-citizens, but only them, and have the security of mutual aid and common strength. If one government desires for its citizens relations with those of another government, it treats with that government, and gets for them what the governments agree upon, or it forces relations. Conquest, or contract, is the only conceivable basis of relations between two governments and two communities. Great Britain did not contest the soundness of the four propositions of the Declaration of Independence, but claimed land in the Colonies to be part of the territory of one country, and the Colonists some of the units of one people, some of the subjects of one government. The claim of the Colonists was

that each colony was a distinct people, its government instituted by men free and equal, &c., of which the executive was the King, its relation to Great Britain federal, and the connecting link a common executive of the two governments. An issue, which Americans argued on for years, and fought on for years, ought not to be so obscure that appreciation of it, and understanding the bearing of the Declaration of Independence upon it, can be correctly called criticism of that document. The historical facts which only justify the colonies are, that England never owned a foot of land in them; that they were settled under contract with the owner, and, if his right had devolved, so had his obligations. Secondly. That the definition of civil liberty is freedom of the citizen from all restraints not imposed on him by the government of his community, its fundamental principle being, none not subject to those restraints, none subject to other restraints; that political liberty means an equal share of each citizen in making the law he must obey, and that liberty, as a principle, means freedom of the citizen from all restraints that can safely be dispensed with. Thirdly, the relation of the United States to other communities was announced when the colonies declared themselves Independent States—Friends in Peace—not pedagogues, nor propagandists. One community cannot know what is best for another community, for it has no means of knowing. Americans, trained by hereditary habits of thought and self-control in political action, practiced by many generations of ancestors, settled upon limited Democracy both in a State and a Union as the best system of government for them, and it was; but for men not so fitted, it may not be the best. Fourthly, deference to the opinion of a foreigner, not sensitive to or ignorant of the necessities of a Federal system, is super-serviceable, and heed of the taunts of a foreigner, assuming upon one line of the Declaration of Independence to have learned the history and mastered the polity of a union is puerile. Fifthly, that no argument has been, or can be, or ought

to be successfully urged upon mankind, but self-interest. Progress is self-interest grown wiser; Religion, even altruism, appeals to self-interest; society addresses self-interest; it exists because men see their self-interest in its existence. The ancestors of the then slaveholders, and the ancestors of the then non-slaveholders, from self-interest joined their respective States in a Union, its benefits and obligations descended to their posterity, and extended to such others as were admitted to share them. So long as the benefits and obligations balanced as agreed, self-interest would be active in maintaining the Union, but if the self-will of some, in disregard of obligation, disturbed the balance, self-interest would prompt to escape from it. Upon another point "many good men among us" differed from Mr. Lincoln. They believed that generosity or charity must be exercised with a man's own property; he, that they might be with the property of another man.

"When the white man governs himself, that is self-government, but when he governs himself and also governs another man, that is despotism."

That a just government must be based on the consent of the governed, is one of the propositions of the Declaration of Independence, and was one of the conditions of a Union. Had slavery in any aspect, moral, political, or humanitarian, been one of the subjects upon which, by consent, a man in one State was entitled to govern a man in another State, it would have been dealt with as easily as was the slave trade after that had become a subject of Federal government. Upon the subjects of consent, enumerated in a few lines of the Constitution, the people of one State has a never-disputed right of government over the people of another State. Consent having been given by a people of each State, "the governed" were the people of each State, and how a State had been originally, or continued to be constituted, was not a subject yet submitted by consent to the opinion of any other State. By amendment, slavery might be added to the enumerated subjects, but,

until so added, its relation to Federal control, Federal honesty, and Federal politics were in 1860 what they had been in 1790. Consequently the logical mind of Mr. Lincoln realized that for plausible action upon slavery, the Federal principle must be disavowed, the British claim of one country, one people, be resurrected, and the United States be held a union, or a unity, as might be convenient for getting by the one, and taking by the other.

“ I particularly object to the new position which the avowed principle of the Nebraska Bill gives to slavery in the body politic. I object to it because it assumes a moral right in the enslaving of one man by another.”

With the slave-trade excluded from Federal control until 1808, with revenue from the importation of slaves, with the delivery of escaping slaves a State obligation by intent, and a Federal obligation by judicial decision, and with the suppression of slave insurrections a Federal duty, the morality of buying, and the propriety of holding a slave, might be said to be assumptions from the Constitution, did it not exclude both inference and assumption by its object, the care and regulation of interests common to all the States, and the protection and defence of whatever each State, as a separate community, would have protected and defended. What was property in one State was property, irrespective of its nature, in the view of the Federal power. Slavery remained after, as before the establishment of the Constitution (subject to the right of amendment) the exclusive business of a State. The objection to a perpetual slave trade was, that importing States would grow stronger in a Union against their sister States, and weaker to defend them against foreign attack. Reasonable, it prevailed; but jealousy of power, and self interest, not humanity, made the trade a subject of Federal control. The distinction between owning a slave and enslaving a man was then apparent to all. The colony of Massachusetts, when slaves were sailing from her ports, forced a captain, who had enslaved some negroes, to carry them back to

Africa and free them. Men were careful in their use of words, knowing how pregnant of consequences distinctions in language may be; intercourse is not surely safe, if a word means one thing to one man and a different thing to another. Unless not assuming be assuming, the Nebraska Bill made no assumption upon morality, and, so far as slavery could be involved, aided emancipation. Under it, a slave might become free, but no freeman could be enslaved. Federal authority in the Territories was absolute or limited; if the latter, its jurisdiction was confined to the enumerated subjects. Morality was not one of those, nor could have been, unless the States had been fused into a single State, because morality, neither abstract nor intuitive, signifies those rules for the conduct of life which each community judges beneficial for itself. They change with each change in its collective mind, and that mind changes with circumstances. In all the more civilized States of antiquity, slaves formed a large, possibly the larger, portion of the population. Aristotle could not conceive of a State without slavery. Upon the law of war, constant war, continual training of the citizens for war, minute community divisions of territory, and jealousy of citizenship restricted to race, or by religion, the ideas of men had to be changed by change of circumstances, before slavery could cease to be regarded not merely as just and necessary, but as an inevitable accident of life. With the Pax Romana, the despotism of the Empire, and perhaps Christianity, grew a sense of wrong in the bondage of a human being.

“Slavery is founded in the selfishness of man’s nature; opposition to it, in his love of justice.”

One instinct of man’s nature is to domineer; upon that and all other instincts, society, regulating selfishness, lays restraints. The restraints are called laws, and the equal operation of them justice; but men no more love restraint than they love to pay taxes. From “the selfishness of man’s nature” men dislike injustice, because the unjust take more, or give less, than their quota.

The history of the world furnishes little evidence of a love of justice in man; the armies and navies of nations attest their disbelief in the existence of such a passion. Men generally, especially in masses, are as unjust as they dare to be. Belief in it was not expressed in the Federal Convention; the States avowedly would not trust each other with a particle of power not indispensable for a Federal union; nor were the ratifying conventions more credulous. After the passage of the Nebraska Bill the Dred Scott case was decided. The propositions that whatever a Federal Government is instituted to protect and defend, it must, wherever it has jurisdiction, and that it cannot delegate a power it does not possess, may hereafter seem self-evident. A lawyer of so much ability as Mr. Lincoln had probably anticipated the decision, for in 1855 he had ceased to believe in the peaceful extinction of slavery, and had begun (honestly) to misapprehend and misstate notorious facts.

“On the question of liberty as a principle, we are not what we have been. When we were the political slaves of King George, and wanted to be free, we called the maxim that all men are created free and equal—a self-evident truth; but now, when we have grown fat, and have lost all dread of being slaves ourselves, we call the same maxim a self-evident lie.”

The point of dispute between Great Britain and the colonies was unity or union, a nation or communities connected by a tie. Before the claim of unity, the connexion was felt on both sides of the Atlantic to be a mutual advantage. Between Englishmen and Americans fraternal feeling existed—stronger in the Americans. Until the invasion of their rights, King George had no subjects more loyal. They had not felt themselves political slaves, nor wished to be free. They resisted, not sought, change, and reluctantly declared the colonies independent States only when independence had become an indispensable element of resistance. Great Britain was ready to yield the exercise of taxation, but not the claim of right. The offer was rejected, and war was

waged for seven years upon a distinction which is now thought "metaphysical."

"The spirit which desired the peaceful extinction of slavery has itself become extinct with the occasion and the men of the Revolution. Under the impulse of that occasion, nearly half the States adopted systems of emancipation at once, and it is a significant fact that not a State has done the like since."

Eleven years after the Declaration of Independence twelve of the thirteen were slave States, the exception due to a judicial construction of its Constitution, not to the intention of its people. Several of the northern States were thriving on the slave trade. Two unions were formed. In the debates on their character and object, no resolution was offered to make slavery a subject of Federal cognizance. In the earlier, the slave trade was of common right; in the later till 1808. If there was such a spirit, it was too languid to offer a copper for the gratification of its desire. There was not such a spirit; men in every State were calculating how to vest in men of other States some power over them, yet prevent the assumption of more. There was no room in their minds for other objects than a union, a government, and their liberties. How immaterial slavery appeared, can be judged by the bargain between the eastern States and two southern States for a continuance of the slave trade. The truth is: That in eleven States slavery was felt to be a great misfortune, a problem of statesmanship to be solved for a State by the statesmen of a State. Under that conception, emancipation followed emancipation in State after State, and was of possible and probable continuance, if slavery was recognized as the exclusive business of a State in which it existed. When that recognition stopped, emancipation stopped. The intermeddling, denunciation, and political hostility of citizens of other States, were felt to be injustice, insult, and danger, for they raised the issue of the relation of States to each other upon matters which

they had not delegated by consent to a common superior. The question became one not of the rights of black men, but of the rights of white men. A way to the peaceful reduction of serfdom had been found by the Church of Rome in the Middle Ages—not the assertion of the right of the serf to be free, nor of the duty of the owner to free him.

“Our political problem now is, can we, as a nation, continue together permanently, forever, half slave and half free; the problem is too mighty for me.”

The question assumes a union and a nation to be identical, the claim of Great Britain, followed by the secession of the colonies; but even if that be not an objection, a question whether anything will last forever, can scarcely expect answer. All that men can do, is to calculate probabilities upon experience felt or recorded. A union which had prospered for seventy years would probably continue to last, how long, must be speculation, as in every political system yet devised the submission of the physical force within it to the restraints it imposes is continuously problematical. All that any system does, or can do, is to fix boundaries; if physical force refuses to respect them, legality ends and conflict begins. Boundaries had been fixed in the Union by agreement, and the care of keeping physical force within them had been entrusted to a court, termed by Pinckney the keystone of the arch, and by Marshall, the only alternative for appeal to the sword. In every system physical force, through suffrage, or in some other form, is recognized as having a legitimate right of control to a greater or less extent. If it can fix the extent, a government rests on force; if the extent is determined by an agency obeyed by the stronger as by the weaker, a government rests on law. The political theory of that union which is named “The United States” is that on some subjects the will of some States shall bind the will of the other States, and shall not upon any other subjects. Majorities in States, not of the population in the Union, administer the government, and it may

happen, as it has, that a candidate for the highest office is elected by a minority of voters over an opponent with a majority of voters, or, as has frequently happened, is chosen by a minority of all the voters. The rule of the people, if it means anything, means the rule of a majority of all the voters, and as a minority of voters might with perfect justice administer the government of the Union forever, either there is no such thing as a people in the Union, or the people is not the ruler. Majorities and minorities in the United States are the agents of the Constitution; only as representing it, have they a tittle of authority. In the nature of things, and the capacity of language, there cannot be a people in a union, a people being the mark of an organization of human beings into a corporation, and a union the mark of an organization of corporations into a corporation. When the bargaining for a Constitution was going on, the slaves in merely five southern States numbered more than half a million, and, with those in the other States, constituted one fifth of the total of all the populations; yet men fresh from the Declaration of Independence, and war to sustain it, were so far from imagining that a union half slave and half free could not endure permanently, that they stipulated for an increase of slaves, which were to be, and were brought to the southern States by the vessels of their sister States. If slavery was then not considered an element of future disruption, nor a fit subject for Federal control, they who avowed that a union could not endure half slave and half free, must have intended a peaceful separation of the States, or a new bargain written by the sword.

The problem, therefore, which Mr. Lincoln must have been revolving was how so much of a Constitution as dictated a mode of amendment, and the reservation of all power not delegated, could be expunged. Too mighty for him in 1855, he had found the solution by 1858. "This Union cannot endure half slave and half free"—a declaration of intent which none could mistake, nor

some disregard. The reasoning by which that conclusion was reached has never been disclosed ; any, if possible, the fertile mind of the author would have formulated it. What was meant by it, could only have been meant by it, or be supposed to be meant by it, was : This Union shall not endure half slave and half free. For the attainment of the contemplated different political system, the process was simple. By holding the United States a nation, a majority of numbers (being in the free States) could be claimed the people in one of the senses of that word. By recurring to the United States as a Federal union, a majority of that majority became the people in another sense of that word, and by asserting in that people, in a third sense of that word, a revolutionary right, the Constitution could be altered by less than a half, instead of two thirds in numbers, and by a majority of States, instead of three fourths. By such filtration of the rights of States, and shifting of a principle of cohesion, the slave States would be practically out of a Union for rights, and in it for burthens ; necessarily they might gain, but could not lose by secession. The nature of government differs in a union and in a nation, from causes, which, upon reflection, must be obvious. The fifty-one in the hundred have, by nature, no more right of control over the forty-nine than the latter over the former. The law of nature is the control of the stronger. Men, through the reasoning faculty, utilise the laws of nature ; all they can do. A number of them, to escape constant conflict, may agree that fifty-one in the hundred shall be considered the stronger, with the right of rule under the law of nature, or they may agree that the fifty-one shall only be considered the stronger for certain objects. In both cases they institute government ; in the latter, liberties as well. Interests, feelings, and blood-ties are closer in a village than in a city ; in a city closer than in a State ; in a State closer between its citizens than between them and citizens of another State ; therefore, if liberties are of any value, the exceptions to the usual scope of government in a

nation must be the greater in a union, as the interests, feelings, and blood-ties of those on whom a government is to act are the less common. This consequence of human nature was appreciated, and its bearing upon the object, a union, discussed in debates upon the Articles of Confederation, and in the Federal Convention. In the former, Franklin stated the hindrance to agreement. If the right of control is given to numbers in men, the smaller States fear for their liberties; if to numbers in States, the larger States fear for their money. He proposed a plan of conciliation, which was not adopted, as liberties were then thought of more moment than money. In the Federal Convention, the smaller States might have consented that statehood be extinguished, the territory be divided into counties as nearly equal as possible, and a nation be thereby constituted, because then all its citizens would be equals; but they would not consent to confederate again, unless the States should continue to be equals. Only in one way can States differing in extent, wealth, and population be equals in a union—by that adopted, the specification of the subjects of government. The different meaning and effect of the words, nation, a union, were then as plain to the intellect of men as a repugnance to the former appears to have been to their feelings. But all were willing to give to a Federal government, as they did, the same method and extent of the exercise of authority on the subjects of its jurisdiction as if a union had been a nation, and it the government of a nation. By the accepted system, the citizen of a State became the subject of two governments. To the Federal Government he owed obedience upon Federal subjects; to the State Government obedience upon all subjects not Federal. The Federal Government protects him against aggression by States out of the Union; the State Government from aggression by States in the Union. From that the Federal Government could not protect him, as it might be in the hands of aggressors. In such a system, with supreme power distributed, each sharer has

the right, and must have the means, of defence against usurpation. At the time Mr. Lincoln wrote, the free States could elect the executive, and control both branches of the Congress. Upon all Federal subjects their will could be incontestable, and would be uncontested. Not content with so much, he claimed for them, as they for themselves, the exercise of will upon a subject not Federal. The early anti-slavery agitators repeated the objection of the opponents of ratification, in the convention of Massachusetts: that the Constitution made them guarantors of property in slaves; and admitted the conclusiveness of the answer then made: You have no right to ask a man of another State to accept your conscience as his, nor have you a right of compulsion. Therefore they denounced the Constitution as a compact not fit to be kept, and through irritating the sensitiveness of the free States upon a question of ethics, and of the slave States upon a question of rights, hoped for disunion to free them from a detested responsibility. Too noble for equivocation, they asserted the supremacy of sentiment to legality, forgetting that in a conflict between sentiment and legality, success is only less dangerous than defeat. Viewed for many years as anarchists, aiming to get the free States to secede because they had no right of government upon slavery, or to get them to claim the right that the slave States should secede, their canonization commenced when their utility was appreciated to serve faction in a party, and to turn the scale between parties in a Union. The fallacy which misled their emotional natures lay in the application of abstract propositions to human affairs, irrespective of the modifying conditions agreed to be indispensable for a union. That men are created free and equal, entitled to life, liberty, and the pursuit of happiness, is an undeniable abstract proposition, without which the right of self-defence would not be, as it is, a universally-recognized right. That a community, upon its judgment of the necessity, may sever the political tie with another, is an undeniable abstract proposition, or it would lack the

right and the means of self-defence. The Declaration of Independence asserts both those abstract propositions, but with the modifications which make them applicable to the relations of men and communities. It states that the rights of man can only be secured by their mutual modifications in a society, and by the institution of government, whereby men become citizens and subjects, with rights and duties as such, the right of self-preservation only left of the original right of everybody to everything. Recognizing that much must be endured under any system, it states the single ground on which a community not only may, but ought to sever a political bond between it and another community—an unmistakeable purpose of the other to assume mastership over it—self-defence of self-respect. The Declaration does not pretend to any discovery in politics; it disclaims novelty. Therefore it did not teach that uneasiness of virtue is a ground for retracting consent, nor that privilege from self-asserted excellence finds warrant in the nature of a constitutional government. When States or men institute a government by a constitution, to the extent of its provisions they trust. "The advantage to mankind of being able to trust each other penetrates to every crevice and cranny of human life; the economical is perhaps the smallest part of it, yet even there its value is incalculable." They pledge themselves to be just to each other; not to others, even to support each other in injustice to others. A citizen does not feel himself free from the contribution of his fortune and his life to a war which he believes to be unjust. Keeping faith pledged by the acceptance of a constitution is known as constitutional, or political morality, and must be the highest duty of a State or of a citizen, because a breach of it involves imminent danger in the present, and doubt of the possibility of political morality in the future. As both the Whig and the Democratic parties had agreed that the object of the Abolitionists could only be attained through possible disruption, or certain civil war, and had disclaimed affiliation, with

sincere or simulated horror, either, to enter into an alliance with them, must disintegrate, and a new party be formed; which was done, its basis being that the inhabitants of the United States are units of a people, and that people entitled to change the nature of its government by a once-agreed form or by a revolutionary right. A people with a revolutionary right, is a fact which sweeps away a Federal theory, limitation, and political morality; there is no use for political morality if government is auctioned off to the highest bidder in immediate interests and passions. Justice to that party demands the admission that it reproduced the conclusions of many great minds. "Honor, honesty, and good faith have never had weight enough in the councils of men," said John Adams, debating Articles of Confederation. "This is an impossible government; men can only be governed by force, or through corruption," said Hamilton. "A system resting on the reason of man is an absurdity," said De Maistre. "Authority in either of the three forms must be absolute," said Hobbes. A balanced government is not maintainable, said all antiquity. Conceding that a nation, a union, are two words for the same thing; that a majority of population in it is the natural people, and a majority of that majority the constitutional people, and in the constitutional people a revolutionary right, revolution, by the fiat of civilization, is only justifiable for relief from wrongs when no other remedy suffices. Neither a free State nor its citizens were wronged by a slave State choosing to remain such, nor by its desire of additional slave States for its protection; nor by the status of negroes in those States, unless that status, as a wrong to the negro, was a wrong to it. If that status was a wrong to it, the grievance must be weighed. The ancestors of the existing negro slaves had been the savages of a country, from all recorded time to this day, the seat of mutual massacre and enslavement. Slaves before sale to the trader, benefitted by transportation, they were taught in a new home the first lessons of civilization,

regular labor and conformity to rules. Their descendants, by the testimony of all eye-witnesses, were better fed, lodged, warmed, clothed, and cared for in childhood, sickness, and age, than half the dwellers on the globe. They were under rather than over worked, and were gay and contented, unless taught discontent, for, as a general rule, the master race was kind to indulgence. They did not have freedom and equality, but they did not have the burthen of freemen—care. There is no evidence that in the mass they were discontented with their lot in life, and much evidence to the contrary. Possibly they might be better off if freed, (that possibility is on trial,) but if all human beings are wronged to whom is not given what may possibly make them better off, our social system must be reconstructed. The most backward of them had risen in the scale of humanity some degrees; the least backward, many. The gradual advance from the condition of the savage to the better condition of the slave was good cause for the gradual advance of the slave to the condition of a freeman. Neither their status, nor property in them, would have availed against that consummation, had those been the only obstacles; but they were not all, nor the greater part. The serf freed entered at once undistinguishably into the general mass; the negro could not; and reasoning men doubted whether caste to a freeman might not be as heavy a burthen as existent slavery could be to the slave, or whether, with caste and freedom, two races of freemen might not grow daily more antagonistic. Therefore, southern men and northern “dough-faces” thought slavery not a fit, and, as they believed, not a constitutional subject for the rancor of party. The minds of men who look at a subject independently of circumstances, and of those who look at it in connection with circumstances, can never meet. To the latter, a pre-requisite to the anti-slavery agitation in the free States, on the ground of an equity due to human beings, was the acceptance, by the populations of those States, of the negro, as a welcome associate in all the relations of life. If

not ready for that, their anti-slavery sentiment seemed a Pharaseeism, which, without legal right, asked others to hazard an experiment which might prove very dangerous if the sense of incompatibility from color and conformation should be found to be an incorrigible quality of human nature. So far as they could judge, anti slavery agitation was defeating its purpose, if its purpose was peaceable manumission, or, if its purpose was forcible emancipation, ensuring the ultimate array of a black against a white race; for if that race was entitled to be given freedom and equality, it was entitled to be given the most potent factor of mental, moral, and social elevation—association—or would feel that it was. In a nation, under a single government, keeping the scales nicely balanced between two races, slightly differing and with no grounds of physical repugnance, is a delicate and difficult task, even if that government be absolute; in a Federal system, with the Federal power not yet completely unlimited, and with some State rights left, with differences, physical and mental, in citizens through force, as well as with those and physical repugnance in citizens by consent, the task is probably impossible. But the experience of mankind, the characteristics of human nature, and the record of facts are vainly urged upon those who rely, as in the witchcraft trials at Salem, upon the testimony of “the invisible witnesses.” Only upon such testimony could Mr. Lincoln have believed that when the colonies declared themselves independent States, they meant an independent State. Upon their testimony Wilson ventured in the Federal Convention to treat the States as districts of a State. He was silenced by denial, appealing to the consciousness of facts in all present, and with the avowed purpose of putting to rest forever the notion that one State had any right to be in a union, except upon common conditions, or a right that any other State should be in a union with it on its own conditions; the carefully-chosen words for the Constitution of a new union were: The ratifications of the

conventions of nine States shall be sufficient for the establishment of this Constitution between them. With greater confidence in the testimony of "the invisible witnesses" than of public records, Mr. Lincoln asserted that a people made the Articles of Confederation and the Constitution of the United States; but if his assumption be accepted, his conclusions from it are not warranted by it.

"The candid mind must confess that if the policy of the government upon vital subjects affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having practically resigned their government into the hands of that eminent tribunal." "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."

The fallacy which misled Mr. Lincoln in these expositions of "the law of the land" lay in the word "people," which by its various significations is so qualified for, and so constantly employed in fallacies. Exhibition of the genesis of a free people may possibly dispel confusion. If a number of men, free and equal, wish to form themselves into a society, become a people, and institute a government, they have first to agree how the separate propositions for a system shall be accepted. Till such agreement is made, ninety-nine have no rights over one. If in the hundred fifty-one are Protestants and forty-nine are Catholics, it is certain that more than a majority vote will be required. That point settled, they decide, by the agreed number, whether a government shall be limited or not; if the former, they must, in the nature of things, agree how much of the freedom and equality of nature is to be contributed to a common fund by each equally; upon the mechanism for managing that fund; upon the proportions of numbers to direct

the mechanism, or for a future alteration of the conditions; how the proportions shall be selected, and upon an arbiter. When these things have been done, a people, the hundred in the hundred, has instituted a just, limited, representative, democratic government; its representatives an arbiter, and, for certain purposes, different proportions of its numbers. That people for the future speaks only through its representatives. Sixty in the hundred, or any other proportion, may become dissatisfied with the existing representation, and, if able to compel the rest to submit to their will, become the people, and the others their subjects. Government as to them, just; as to the others, is a government by conquest. Since the establishment of the Constitution of the United States many constitutions have been framed under it. By each, the population of a certain area has asked of the States already in a union to be recognized as a people, and to be admitted as one of the States in a union. In all of them a people has its representatives for an executive, a legislature, a judiciary, and for alteration. A provision for alteration must be meant to exclude the conception of a revolutionary right. A man of such mental power as Mr. Lincoln could not have meant that insubordination was a natural right, nor that repudiation of duty under an agreement was a natural right, both not suspended in the social and political man, nor that trust of men in each other was not of great value. He must have meant a divine right in numbers, like the divine right claimed for kings, with its power of self-absolution from pledged faith and of remission of penalties for breach of law. "Do I make the judges and the bishops?" said James I., on entering his new kingdom; "then law and gospel are what I please." All that stood between the king and absoluteness was the Commons. In the United States, as suffrage can command the executive, the legislature, and in time the judiciary, all that stands between absoluteness in some States and subjection in others, is the reservation of all power not delegated—a reservation in the opinion of Mr. Lincoln, and probably in domi-

nant opinion, not entitled to self-defence. When the Constitution was bargained, the leaders in all the States, students of history, believed that in a political system of which the voter power was the strongest element, suffrage should not have, nor be able to assume, any authority which might safely be dispensed with; because, by the law of human nature, men are corrupted by power, and unbridled strength will certainly be unjust. For that purpose, the Convention enumerated the subjects upon which the will of a majority or plurality in the States individually should prevail; and, as in the future those might prove too few for the common interests, provided a means of adding to them, not by a majority or plurality. "If I live under a monarchy," Swift wrote; "I may with great reason think a well-ordered Commonwealth a much better system of government; but if I agitate to bring one about, I fall under the jurisdiction of the magistrate, and am justly hanged." His agitation would appeal to civil war. In the United States a citizen may agitate, through any form of persuasion, for a change in the Constitution of his State, or that of the Union. If he gets the requisite number to agree with him, the change will be made. His appeal is to the law. But, until the change is made, others have the right to insist upon his good faith in conformity to the existing system. The question was early asked in the Federal Convention, If the terms of a Union are settled and its government in operation, what if a State does not observe them and do its Federal duty? The question had been answered by Maynard for the Commons in the conference with the Lords upon a change of dynasty: "If two of us make a mutual agreement to help and defend each other from any that should assault us in a journey, and he that is with me turns upon me and breaks my head, he hath abdicated my assistance and revoked." It was answered by the colonies when they severed their connection with Great Britain, for an attempt to exert an unwarrantable jurisdiction, and by their assertion that the

King had forfeited his office for aiding the attempt. Therefore, when a resolution was offered "to call forth the full force of the Union against any member of the Union failing to fulfil its duty under the articles thereof," consideration of it was suspended, and never resumed, upon the inquiry of Madison, who was to decide whether there had been a failure of duty; and would not a claim to coerce be a declaration of war? At that period the belief was universal that only a wearer knows if the shoe pinches, and, consequently, that each State, under the doctrine of the Declaration of Independence, might, if the shoe did pinch, alter or abolish its system of government and establish another—action which the Federal Convention recommended to States then in a Union, upon palpable danger. At that period, too, political science was supposed to be the science of human nature under conditions. If the States had been part Catholic and part Protestant, a union proposed, its government would have been made, not for man, but for man Catholic and man Protestant; a union proposed for States, part slave and part free, its government was made for man in one social system, and for man in a different social system. Another belief was, that unless an arbiter is agreed upon for dispute, peace between individuals or communities is not probable. The process by which men, free and equal, constitute a people and institute a government, and that by which independent States establish a constitution between them, form a union, and institute a government, is the same. In 1787 twelve States, then in a union, claiming to be sovereign, in all public documents addressed as such, pledged in writing to each other for defence of the sovereignty of each, sent delegates to a convention "for the purpose of devising and discussing alterations which would make the Federal Constitution adequate to the exigencies of government and the preservation of a Federal Union." The refusal of one State to be represented in the Convention, and its right to prevent any alteration of the Articles of Confederation, independ-

ently of any other motive, compelled the Convention to contemplate the dissolution of the existing Union, and the formation of a new one. Madison and others, advocates of ratification, conceived, and so represented, that the theory of government in the new and in the old union was the same, though its practice differed. That they neither misconceived nor misrepresented, is apparent from the instant assent of the Convention to the "Then we have no business here" of Pinckney, when a basis not federal was proposed for the new union, and from the word national, as applicable to the contemplated Union, being dropped by unanimity. One of the changes was the substitution of a judiciary to construe a Constitution, in place of the tribunal particularized in the Articles of Confederation. That court, once recognized as "a long-felt want of civilization, an international tribunal," had the characteristic that its arbitrament could only be exercised in a litigation, "when its decision must be drawn from it by the duty it cannot refuse to fulfil, of dispensing justice impartially between adverse litigants." The intention was to institute a tribunal as free from bias as is humanly possible, in which doubt upon construction would be canvassed by reason purely, as if it were a problem in mathematics. As the branch of the government for the construction of the language of a written instrument, friction between it and the other branches was averted, and freedom from the passion of party hoped to be secured, by its power of construction being made possible only in a litigation. Men might honestly and properly differ for years upon construction, before some accident of private life occasioned a law-suit involving it, and forcing its decision upon the court. Opposite opinions had existed for years, elements of political parties, upon the relation of the Federal Government to slavery, and upon the nature and extent of its authority in the Territories, before the court was forced to pass upon them. They who were dissatisfied with the decision resolved to nullify it through suffrage, and chose as their leader Mr. Lincoln. He

justified their choice by great dialectical subtlety in the manipulation of words, and by great ingenuity in the suppression of fact, and the suggestion of fiction. The quiet assumption that there is any vital principle in a Federal Government, except the protection, defence, and preservation of a Constitution; that a Federal Government exists, or has a right to exist, for any other purpose than administering a constitution; the innuendo that the Supreme Court is not as completely government in its sphere as the other branches in their spheres, or suffrage in its sphere; the insinuation that it is not an arbiter, but is, in nature, like a justice's court, its decision of construction affecting only the parties to a suit, and the assertion that the "people" must lose self-government if a court is intended to determine the meaning of the language of "the law of the land," are an exhibition of rare genius in the art of begging the question.

"All profess to be satisfied in the Union, if all constitutional rights can be maintained."

That allegation, a little short of truth as to some, was a little long of untruth as to others. All in the slave States had always been satisfied, and professed to be; many in the free States had for years not been satisfied, nor professed to be.

"A majority held in restraint by constitutional checks and restraints, and always changing easily with deliberate changes in popular opinion and sentiment, is the only true sovereign of a free people."

A majority or a plurality held in restraint by constitutional checks is entitled to whatever control a Constitution gives it. Upon that proposition difference of opinion is impossible, but upon what are constitutional checks, whether a majority or a plurality has been restrained by them, and if not, upon what is the consequence, difference of opinion is not only possible, but, with reason, probable. In every community where unlimited suffrage has had exercise upon unlimited subjects, the result of the experiment has been anarchy

sooner or later, and next a military despot. Warned by history, the Federal Convention submitted a Constitution, leaving to the States the decision of who should vote, but, by enumeration and reservation, deciding for voters the subjects to be voted on. If the Supreme Court was not meant to restrain suffrage to the enumerated, and from the reserved subjects, no governmental constitutional check can be found in the system.

“One party to a contract may violate it, may break it, so to speak; but does it not require all to lawfully rescind it?”

One party to a contract breaking it, the other has the option to treat it as subsisting, to enforce it, or to consider it rescinded. The common sense of mankind has not admitted, as a premium for violation, the option in the violator.

“If by force of numbers a majority should deprive a minority of a clearly-written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such right were a vital one.”

The reservation of all power not delegated seems to be a clearly-written vital constitutional right; but, if revolution upon the denial or deprivation of one or all clearly written vital constitutional right is only justifiable in a moral point of view, who is to decide what is a clearly-written vital constitutional right and what is a moral point of view. Mr. Lincoln could not have written that sentence had he not confounded revolt with revolution, a limited with an absolute government, a Federal system with a single State. Revolt is the armed demand for an old right; revolution, the armed demand for new rights. Four of the most powerful of the Kings of England met revolt by the admission of wrong and retraction. Quiet was at once restored. Other Kings insisted on the right to be wrong, and revolt became revolution. By the theory of an absolute government, the right of the ruler is not derived from his subjects, and his obligation to them is only a moral obligation; whence was deduced a moral

justification for the assassination or deposition of a bad ruler. By the theory of a limited government, a line is drawn, over which neither ruler nor ruled can legally step, and, stepping over, may be legally forced back. The distinction ought to be familiar to an American, for the United States grew from it. The colonists alleged a legal justification for their action, upon an attempt to exercise an unwarrantable jurisdiction over them. If they had not a legal, they had not a moral justification for their revolt. In a Federal government, the agency of a Constitution, itself the agency of States for a union, suffrage is either an absolute or a limited ruler. If absolute, resistance to any action of it, no matter how oppressive, even cruel, must rely upon moral justification for the exercise of self-defence; if limited, its action is legal or illegal. One does not need, nor can the other claim, for itself, or from others, a moral justification, either for its sway or their resistance. The attempt to exercise an unwarranted jurisdiction, no matter what the form, what the object, and how paltry the effect, Americans once called tyranny, and resistance to it the duty of manhood. The few pennies of a tax, said the Colonists, are a trifle; but liberty is not a trifle. The right to take one penny is the right to take every penny.

The candidacy of Mr. Lincoln presented the distinct issue, whether suffrage was to become, or a court to remain, the organ of government to construe a Constitution. That such was the issue, he and his party were too manly to conceal before, or to deny after an election, by which the free States (except New Jersey) notified the others that they no longer admitted a common superior upon construction, and claimed construction in themselves. By the working of a Federal system, two fifths of voters cast two thirds of electoral votes—a fact immaterial, if they recognized a power to keep them on one side of a fixed line; material, if they could fix, and keep fixing the line. Power in a single community may, to a greater or less extent, with more or less of safety,

be entrusted to a majority or a plurality of its citizens; in its institutions it deals with its own, accountable to no other community. But in a Federal system, the relation of one State to another grows out of their separate acceptance of a Constitution, and each is responsible to the other for faithful observance of its obligations. In entering into the Union, each State, the greatest as the smallest, put into a common fund an equal share of its right of self-government—its sovereignty; and each reserved an equal share. From the reserved share, three fourths of the States only have the right to demand additions to the common fund. To the resources of the Union, the States contribute very unequally, and therefore majorities in the more States with the larger populations, whether a majority or a minority of the populations of all the States, manage at will the common fund of sovereignty and the common fund of resources. The theory of the Republican party was that such majorities controlled as well the reserved fund of sovereignty, or self-government. If so, the slave States became provinces to be ruled by whichever faction in the free States was the stronger. The Democratic party in the free States, (except that impotent minority of it, firm in the faith of their fathers, the only beings to whom the charity of Mr. Lincoln could not extend,) not avowing the theory, cherished its effects, broadly hinting to the southern States that they had only a choice of masters. The eventuality of master States and subject States had been dreaded in the formation of the first Union, and guarded against in the Articles of Confederation. It had been dreaded in the Federal Convention, and its possibility was asserted to have been excluded by the three-fold division of the agencies of government. It had been dreaded in the ratifying conventions, which would not permit the Constitution to be established, without the right to be free from control on any but the enumerated subjects being as explicitly embodied in it as the duty to be controlled on those subjects. So strong was the sense of statehood then,

that twelve States, with more than forty times the population, and fifty times the territory of the other, did not conceive that her will could be complained of, much less compelled, upon a claim of right from numbers, contiguity, or a mystical tie. Deliberate change of opinion and sentiment in two thirds of numbers and three fourths of States was made the future sovereign over everything but the equality of States in the Senate. That the characteristics of each Union, control on some subjects, denial of control on all others, and provision for the present and for the future exigencies of a just government, were not apparent to one so honest and intelligent as Mr. Lincoln, must have been due to the tendency of his mind to the abstract, and to its deep poetic vein, which led him to personify, and dulled him to distinctions. He did not see men differentiated from men by conditions, almost as much as men are differentiated from other animals by conditions. Morality, justice, liberties, a Union, appeared to him elements, self-existences—not adjustments of the possibilities of life and circumstances, by bodies of men for their own use. No stronger illustration of an incapacity to distinguish between the abstract and the concrete can be imagined than in his mis-statement (not with deceit) of the point of contention between the sections in his letter to Mr. Stephens, repeated in his inaugural :

“One section of our country believes slavery to be right, and ought to be extended ; the other believes it wrong, and ought not to be extended. This is the only substantial dispute.”

Such was not the dispute ; the dispute was upon jurisdiction, involving the equality of States and the rights of their citizens. With jurisdiction upon the abstract “right,” no dispute could have arisen. Not free from doubt upon deceit, were Buchanan and Douglas, long leaders of a party of which the principles had always been : the Constitution a compact between States, and limitation the characteristic of the Federal Government. The former, by assimilating a government sprung from

consent to one starting from conquest; by assuming that a compact could be both broken and whole, and by distinguishing between coercion of a State and coercion of its inhabitants; the latter, by affecting to treat an election, intended to change the nature of a government and the status of States in a Union, as an election for a choice of officials, added their aid in quibbling the sections into war. Men asserting themselves of the Democratic party believed that a government which can take any power, differs from a government which has every power, only in the latter being the fairer, and that the claim of the Constitution being the will of a people in the aggregate, if admitted, must result in a change in the nature of a government. Rejecting that belief, they could no more be party men than they could be Christians rejecting the four gospels. Mr. Lincoln did believe that the Constitution was the will of a people in the aggregate, and that the Government could take any power. He stated his belief too explicitly for the possibility of mistake, and has the respect of those who, not finding it warranted by the facts of history, revere candor in the expression of opinion and courage in conviction. If a character could be displayed in a sentence, that of John Adams by Franklin would suffice for his, had he not differed from Adams, in sagacity as the leader of a party, and in being the most tender and loveable of our public men, and with rare exceptions, of all public men. In history he will represent the definite triumph of a fortuitous system over the work of art, and of force over consent, as a basis of government. The experiment of a republic of States, each a limited democracy in a Federal system, with a limited Federal government, has not given content; the little of reasoning and self-control it exacts have proved too much. Commended by Pinckney to the acceptance of South Carolina, as better calculated by its firm establishment to answer the great ends of public happiness than any yet devised, it shared, with more imperfect systems, the necessity of support. When

by any institutions men have stinted the right of control in some over others, human nature prompts to disregard of the stint, and can only be restrained from usurpation by the decision of an agreed arbiter, or by the probability that usurpation will be met by resistance. No man in private life thinks that he could keep anything, unless by his own strength, or the action of society; and what is true of a private is true of a political right, unless men are better as their responsibility is less. Human nature always has been, and always will be, sufficiently invariable for tolerably accurate calculation of its action, and therefore Mill found three characteristics in every society important enough to be recorded, without which any society must be convulsed or destroyed by the natural tendency of man to anarchy—law, tribunals, and a power to enforce their decisions; education of the citizen in his rights and duties; a self-restraining discipline from childhood through life—loyalty to something.

In the United States some held the Constitution the object of loyalty, some a union, some a nation, and some a government. The historian of the future will have to decide to which loyalty was due; but, whatever his decision, he will be surprised to find men so intelligent as Americans, capable of supposing that in communities of which half the inhabitants neither have nor can have a fellow feeling with the other half, the sense of a common interest necessary to the working of representative institutions is a possibility.

•

